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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,717	11/21/2001	Victor Wiener	101351-21	1000

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EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 03/28/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary

Application No.

09/990,717

Applicant(s)

WIENER ET AL.

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: For details of Items 4 and 6, see Office Action..

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 56 recites the limitation "said device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-41, 42/40,42/41, 43-46, 47/40,47/41,47/45, 47/46, 48-52, 53/50,53/51,53/52, 54-58, 59/56,59/57, 60-61, 62/60,62/61, 63, 64/60,64/61, 65/60,66/61, 67/60,67/61, 68-71, 72/69,72/70, 73-87, 88/40,88/41,88/45,88/46,88/73,88/79, 89/40,89/41,89/45,89/46,89/73,89/79, rejected under 35 U.S.C. 102(e) as being anticipated by **Bateman et al.** (US 5,884,032).

As to Claims 40,45-46,50-51,60,70,73,79-87, with respect to Figures 1-3, **Bateman** teaches a method of establishing a communications call, including:

selecting on-line help agent (a B party) using an interactive device, 4, connected to a public network, 6 and 9, (Figure 1 and Col. 6, lines 6-13);

accessing called address data for said B party from said public network in response to selecting said B party (Col. 6, lines 31-45);

sending said called address data for said B party and calling address data for a customer (an A party) to an ACD-MIS system (connection module) of said public network (Col. 6, lines 32-41); and

establishing a call between said A and B parties over said public network using said connection module and said called and calling address data (Col. 7, lines 5-13).

As to Claims 41,61,69, **Bateman** teaches a method of establishing a communications call, including:

selecting a B party using an interactive device connected to a public network (Figure 1 and Col. 6, lines 6-13);

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searching for called address data for said B party using said interactive device and a search module of said public network and a database of said public network including called address data (Col. 6, lines 31-45);

sending said called address data for said B party and calling address data for an A party to a connection module of said public network (Col. 6, lines 32-41); and

establishing a call between said A and B parties over said public network using said connection module and said called and calling address data (Col. 7, lines 5-13).

As to Claim 42/40, 42/41, **Bateman** teaches a method as claimed in claims 40 or 41, wherein said interactive device is a computer and/or telephony device including a visual display (Figure 1, label 4).

As to Claim 43, **Bateman** teaches a method as claimed in claim 42, wherein said interactive device is associated with said A party (Figure 1).

As to Claim 44, **Bateman** teaches a method as claimed in claim 43, wherein said interactive device is a communications terminal for said call (Col. 7, lines 5-13).

As to Claims 47/40, 47/41, 47/45, 47/46, **Bateman** teaches a method as claimed in claims 40, 41, 45 or 46, wherein said public network includes a messaging network for connecting a plurality of said interactive device and at least one public telecommunications network, 9, for connecting said A and B parties (Figure 1).

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As to Claim 48, **Bateman** teaches a method as claimed in claim 47, wherein said messaging network provides said interactive device with a plurality of B party data (Col. 6, lines 32-45).

As to Claim 49, **Bateman** teaches a method as claimed in claim 47, wherein said messaging network accesses and forwards said called address data to said telecommunications network (Col. 6, lines 31-45).

As to Claims 52,58, **Bateman** teaches an interface as claimed in claim 51, wherein said results includes called address data for said B party data, and said selected party data includes said called address data (Col. 6, lines 31-41).

As to Claims 53/50,53/51,53/52, **Bateman** teaches an interface as claimed in claims 50, 51 or 52, wherein said interface is sent to said interactive device by said public network on request from said interactive device (Col. 6, lines 1-20).

As to Claims 54-55, **Bateman** teaches an interface as claimed in claim 53, wherein said public network includes a messaging network, for connecting a plurality of said interactive device, and at least one public telecommunications network for establishing said call (Figure 1).

As to Claims 56-57,77, with respect to Figure 1, **Bateman** teaches an interface stored on an interactive device connected to a public network, including:

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code for generating a display on said device of B party data (Col. 6, lines 8-20);
code allowing selection of a B party from said B party data (Col. 6, lines 20-30); and
code for transmitting to said public network selected party data corresponding to the
selected B party and A party data (Col. 6, lines 25-30);

whereby said public network accesses called address data for said B party on the basis of
said selected party data and establishes a call between an A party and a B party using said A
party data and said called address data (Col. 6, lines 31-55).

As to Claims 59/56,59/57,62/60,62/61,72/69,72/70, **Bateman** teaches an interface as claimed in
claims 56 or 57, wherein said public network includes a TCP/IP messaging network and at least
one public switched telephone network for establishing said call (Figure 1).

As to Claim 63, **Bateman** teaches a system as claimed in claim 61, wherein the access module
includes directory data from said directory database for display by said A party (Col. 6, lines 32-
41).

As to Claims 64/60,64/61, **Bateman** teaches a system as claimed in claims 60 or 61, including a
search module accessible by said A party over said network for searching said directory database
(Col. 6, lines 1-5).

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As to Claims 65/60,65/61, **Bateman** teaches a system as claimed in claims 60 or 61, wherein said call is established with a terminal of the A party which selects said selected B party (Col. 6, lines 1-5).

As to Claims 66/60,66/61, **Bateman** teaches a system as claimed in claims 60 or 61, wherein said call is established with a terminal of the A party which is separate from the terminal selecting said B party (Figure 1, label 2).

As to Claims 67/60,67/61, **Bateman** teaches a system as claimed in claims 60 or 61, wherein the address data includes a party terminal number and security information (Col. 6, lines 44-50).

As to Claim 68, **Bateman** teaches a system as claimed in claim 67, wherein at least one of the calling address data and the called address data includes account information (Col. 6, lines 63-60 and 6-8).

As to claim 71, **Bateman** teaches a server as claimed in claim 70, including a directory database module for accessing directory data, including communications address data, of parties connected to at least said public network, wherein the communications address data of said connect message for at least said B party is obtained using said directory database module (Col. 7, lines 43-61).

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As to Claims 74,78, **Bateman** teaches a method as claimed in claim 73, wherein the identification data is page (name data) (Col. 5, lines 15-22).

As to Claim 75, **Bateman** teaches a method as claimed in claim 74, wherein the directory service is adapted to access a database of URLs (public communications addresses) stored against respective identification data (Col. 5, lines 15-22).

As to Claim 76, **Bateman** teaches a method as claimed in claim 75, wherein selection of the displayed element invokes generation of code on the interactive device to generate and send the first message (Col. 6, lines 14-24).

As to Claims 88/40,88/41,88/45,88/46,88/73,88/79, **Bateman** teaches a network system having components for executing the steps of a method as claimed in claims 40, 41, 45, 46, 73 or 79 (Col. 6, lines 31-60).

As to Claims 89/40,89/41,89/45,89/46,89/73,89/79, **Bateman** teaches a Computer software having code for executing the steps of a method as claimed in claims 40, 41, 45, 46, 73 or 79 (Col. 6, lines 14-65).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Focsaneanu et al. (US 5,610,910) teach setting up calls over packet or voice networks.

Penners et al. (US 5,793,762) teach providing Internet and voice services to mobile users.

Perlman (US 5,956,485) teaches setting up video game calls between client users.

Bennett (US 5,742,670) teaches collaboration between users connected over data networks and the PSTN.

6. Any response to this action should be mailed to:

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or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

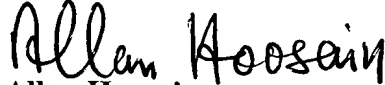
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain
Primary Examiner
3/21/03